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JLW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of
Louise Georgina Buttle
Serial No.: 10/009,583
Filed: March 19, 2002
For: PIGMENT
Group Art Unit:
1615
Examiner:
Micah Paul Young
Conf. No: 1753

Communication in Response to Interview Summary

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Sir:

This is in response to the Notice of Abandonment mailed June 19, 2004 and the accompanying Interview Summary. This Communication is being filed to comment on the statements made in those documents. A Petition to the Director of the Patent and Trademark Office was filed on June 16, 2004 to revive the application. Since a Petition is pending, this Communication must be entered into the file. No further fee is due for entry of this Communication.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BY

DATE:

David M. McJury
June 29, 2004

Remarks

The Interview Summary sets a one month date from the mailing of the Notice of Abandonment for filing of comments on the statements made in the Interview Summary. Thus, this Communication is being timely filed.

The Interview Summary is not correct since it states that the “case will be abandoned for failure to prosecute [sic]”. That is not a correct summary of the interview that was held on April 15, 2004 between Examiner Young and Applicant’s representative Paul Carango.

During the telephone interview, Mr. Carango pointed out to Examiner Young that the prior response that was filed on March 11, 2004 overcame all then pending rejections in the application. Thus, the entry of that response, which was properly done by Examiner Young as acknowledged in the April 5, 2004 Advisory Action, meant that, upon entry, there were no pending rejections. Thus, the rejection raised for the first time in the April 5, 2004 Advisory Action was a new ground of rejection, necessitating a new office action.

During the Interview, Examiner Young agreed with Mr. Carango that the rejection noted in the April 5, 2004 Advisory Action was a new enablement rejection and suggested that Mr. Carango have the application revived. A suitable petition has been filed.

It is respectfully submitted that this is an accurate summary of the interview. Thus, the case was not abandoned for failure to prosecute, but due to an error on the part of the Patent Office.

Furthermore, the Notice of Abandonment is incorrect. It states that the application was abandoned for failure to timely reply to the September 17, 2003 office action, and that the “proposed” reply filed on March 11, 2004 was not a proper reply. As noted above and in Applicant’s “Petition to Director Under 37 C.F.R. 1.181” (which is incorporated herein by reference in its entirety), the March 11, 2004 response was, indeed, a timely response to all the rejections in the September 17, 2003 office action. The response was not a “proposed” response, but was a formal response that was entered as set forth in the April 5, 2004 Advisory Action. Thus, the abandonment was improper and the Notice is incorrect.

Respectfully submitted,

LOUISE GEORGINA BUTTLE

A handwritten signature in black ink, appearing to read 'Robert E. Cannuscio', written over a horizontal line.

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